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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/873,394	06/05/2001	Steven Mason	03752.00001	4602

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WASHINGTON, DC 20001

EXAMINER

COBANOGLU, DILEK B

ART UNIT	PAPER NUMBER
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3626

DATE MAILED: 08/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/873,394

Applicant(s)

MASON ET AL.

Examiner

Dilek B. Cobanoglu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 1-16 have been examined.

#### ***Oath/Declaration***

2. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

Non-initialed and/or non-dated alterations have been made to the oath or declaration. See 37 CFR 1.52(c).

A. In the oath filed on 9/20/2001, the inventor's name "Abruzzo" has been lined through and re-spelled without any initials or date.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 1-10, and 12-16 are rejected under 35 U.S.C. 102(e) as being unpatentable by Anderson et al. (U.S. Patent No. 6,021,202, which has a patent date of February 1, 2000).

A. As per claim 1, Anderson et al. discloses a system for storing information or record keeping (Anderson et al.; abstract and col.16, lines 25-27) comprising:

- i. A network of computers including the internet (Anderson et al.; col.16, lines 28-31)
- ii. A web-based client at a first location connected to said network (Anderson et al.; col.1, lines 41-47) comprising an input for receiving patient information (Anderson et al.; col.38, lines 18-23 and col.2, lines 8-12) and an output for transmitting said patient information over said network (Anderson et al.; col.38, lines 23-24)
- iii. A web server at a second location connected to said network and receiving said patient information (Anderson et al.; col.18, lines 8-12)
- iv. A database server storing said patient information and being directly connected to said web server (Anderson et al.; col.18, lines 47-53)

B. As per claim 2, Anderson et al. discloses a database server provides or transmits patient information to web server for forwarding to said client (Anderson et al.; col.18, lines 39-42 and col.10, lines 7-12)

C. As per claim 3, Anderson et al. discloses the amount of patient information is determined by a level of permissions granted to said client (Anderson et al.;

col.9, lines 13-17 and col.10, lines 7-12) and the amount of information stored (Anderson et al.; col.16, lines 25-27).

D. As per claim 4, Anderson et al. discloses a second client at a third location (Anderson et al.; col.11, lines 66-67, col.12, lines 1-3 and col.2 lines 8-12).

E. As per claim 5, Anderson et al. discloses a first client provides a permission for second client to obtain and/or update said patient information or transmits the information (Anderson et al.; col.9, lines 43-46).

F. As per claim 6, Anderson et al. discloses a permission is a referral or delivering information for regarding said second client (col.7, lines 61-63 and col.2, lines 9-13)

G. As per claim 7, Anderson et al. discloses:

- i. A third client or party (Anderson et al. col. 9, lines 46-50) having been permitted to obtain said patient information (Anderson et al. col.9, lines 63-67 and col.10, lines 1-6),
- ii. The amount of patient information obtainable by said third client or party is different from the amount of information obtainable by said second client or signer (Anderson et al. col.10, lines 7-12)

H. As per claim 8, Anderson et al. discloses a web-based client connected to said network (Anderson et al.; col.1, lines 41-47) including the Internet, said network connected to a web server, said web server connected directly to a database server (Anderson et al. col.16, lines 13-15, and col. 16, lines 51-55), said web based client comprising:

- i. An input for receiving patient information (Anderson et al. col.38, lines 18-23 and col.2, lines 8-12)
  - ii. An output for transmitting said patient information to database across said network (Anderson et al. col.38, lines 23-24)
  - iii. Wherein said database server stores said patient information and provides access to said patient information to at least another client or signer (Anderson et al. col.16, lines 40-45)
- I. As per claim 9, Anderson et al. discloses a method of processing patient information or medical records (Anderson et al.; col.18, lines 11-12 and lines 17-19) on a web-based client (column 16, lines 12-15) comprising:
- i. Designating a patient (column 9, lines 41-43 and also column 2, lines 9-13)
  - ii. Designating a type of information (column 9, lines 7-12)
  - iii. Transmitting designations over Internet to the server (column 16, lines 51-55)
  - iv. Receiving a form (column 13, lines 22-24 and column 31, lines 44-45)
  - v. Populating the form (column 4 lines 66-67 and column 5, lines 1-2)
  - vi. Transmitting the information from web server which forwards the information to database server (column 38, lines 13-32)
- J. As per claim 10, Anderson et al. discloses:

- i. Transmitting a permission or transferring information regarding said patient and a remote client or a third party to database server (Anderson et al. col. 9, lines 46-50 and col.12, lines 40-45),
- ii. Remote client or third party may obtain at least some of said information to be associated with said patient (Anderson et al. col.9, lines 63-67 and col.10, lines 1-12).

K. As per claim 11, Anderson et al. discloses modules of information or supporting modules (Anderson et al. col.34, line 66) that provide for the creation of an electronic instrument.

L. As per claim 12, Anderson et al. discloses a system for storing information (Anderson et al. col.16, lines 25-27) from a web-based client at a first location (Anderson et al. col.1, lines 41-47) that receives patient information (Anderson et al. col.38, lines 18-23 and col.2, lines 8-12) and outputs the information to a network including the Internet (Anderson et al. col.38, lines 23-24 and col.16, lines 28-31), said system comprising:

- i. A web server at a second location connected to said network and receiving said patient information (Anderson et al. col.18, lines 8-12)
- ii. A database server storing patient information being directly connected to said web server (Anderson et al. col.18, lines 47-53)

M. As per claim 13, Anderson et al. discloses a database server provides or transmits patient information to web server for forwarding to said client (Anderson et al.; col.18, lines 39-42 and col.10, lines 7-12)

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N. As per claim 14, Anderson et al. discloses a system according to claim 13, wherein the amount of patient information is determined by a level of permissions granted to said client (Anderson et al.; col.9, lines 13-17 and col.10, lines 7-12) and the amount of information stored (Anderson et al.; col.16, lines 25-27).

O. As per claim 15, Anderson et al. discloses a database server receives a permission for a second client or signer to obtain/update some of patient information (Anderson et al.; col. 18, lines 39-42)

Examiner considers giving permission has the same meaning of sending information as stated by Anderson et al.

P. As per claim 16, Anderson et al. discloses a system according to claim 15 (col.9, lines 43-46) wherein said permission is a referral or delivering information for regarding said second client (col.7, lines 61-63 and col.2, lines 9-13).

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not applied prior arts teach an electronic medical records system (5,924,074), a system and method for translating, collecting and archiving patient records (5,903,889), an apparatus and method for processing and/or for providing healthcare information and/or healthcare-related information (6,283,761), a system and method for recording patient-history data about on-going physician care procedures (5,845,253), a method and system aiding medical diagnosis and treatment

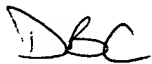


(5,974,124), and a computer-implemented process of reporting injured worker information (6,065,000).


5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dilek B. Cobanoglu whose telephone number is 571-272-8295. The examiner can normally be reached on 8-4:30.

6. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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Art Unit 3626



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